

Application Serial Number 09/963,630
Response to Office Action
Dated August 10, 2005

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in the application upon entry of the present amendment. Claims 1, 8 and 16 are the independent claims.

Amendments to the Specification

The amendment to the paragraph on page 2 of the filed application is to correct an erroneous reference numeral. To wit, the filed application discloses a receiver 1 connected to the internet 5 in Fig. 1; and shows the receiver 1 connected to (the internet) 5 in Fig. 2. However, at page 2, line 24 erroneously refers to the receiver '5.' The same paragraph also correctly references the internet '5.' The amendment to this paragraph adds no new matter. Entry of this amendment is earnestly solicited.

Multiple Dependencies

In a Preliminary Amendment filed with the present application, multiple dependencies were removed. However, from the Office Action it appears that the claims with multiple dependencies were examined, rather than the claims filed with the Preliminary Amendment. In the response filed on May 13, 2005, clarification was requested. The present Office Action does not appear to address this request. As such, clarification is respectfully requested once again. Moreover, because the Preliminary Amendment was filed with the filed application, no fees for such multiple dependencies should have been charged. If these fees were charged, a refund to the originally charged deposit account (and not the deposit account referenced in the present paper) is respectfully requested.

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Rejections Under 35 U.S.C. § 103

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellis, et al.* (U.S. Patent 6,774,926) and *Killian* (U.S. Patent 6,136,316). For at least the reasons set forth below, it is respectfully submitted that this rejection is improper and should be withdrawn.

A proper rejection under 35 U.S.C. § 103(a) requires that all of the claimed elements be found in the applied art. If a single claimed element is not found in the applied art, a prima facie case of obviousness cannot be properly established. Furthermore, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is a teaching, suggestion or motivation to do so found in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

Claim 1 features a receiver and a plurality of other program receiving devices adapted to receive programs. *The receiver also includes a reproduction element and a switch, which is connected to reproduction device. The switch is adapted to selectively connect each of the plurality of program receiving devices to the reproduction element.*

Claim 8 includes a similar feature.

In an embodiment described in the filed application, a reproduction element 30 is connected to a switch 49. The switch 49 selectively connects each of a plurality of program receiving elements 40-44 to the reproduction element 30. As such, the receiver 1 includes a reproduction element 30, a plurality of receiving elements 40-44 and a switch 49 that selectively connects each of the program receiving elements to the reproduction elements, allowing the

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reproduction element to display a selected program from a selected program receiving device.

It is respectfully submitted that the neither the reference to *Ellis, et al.* nor the reference to *Killian*, taken alone or in combination disclose the referenced features of claims 1 and 8. The reference to *Ellis, et al.* is drawn to a personal television channel system. The system includes television distribution facilities 32 used to distribute television programming to user equipment 34. User equipment 34 may be user television equipment 36 or computer equipment 38.

The Office Action relies on the disclosure of the user television equipment 36 and the computer equipment 38 of *Ellis, et al.* for a plurality of receiving devices. However, *Ellis, et al.* lacks the disclosure that each piece of equipment 36, 38 includes a *plurality of receiving devices connected to a reproduction element* as recited in claims 1 and 8. (Kindly refer to Fig. 1 and column 2, line 56-column 2, line 18 of the reference to *Ellis, et al.*; and page 2 of the Office Action for support for the above assertions.)

For at least the reasons set forth above, it is respectfully submitted that the applied art fails to disclose at least one of the features of each of independent claims 1 and 8. As such, a *prima facie* case of obviousness based on *Ellis, et al.* cannot properly be made. Therefore claims 1 and 8 are patentable over the applied art. Furthermore, claims 2-7 and 9-15, which depend from claims 1 and 8, respectively, are also patentable over the applied art at least because of their dependence on claims 1 and 8.

The Office Action stipulates that *Ellis, et al.* lacks the disclosure of a reproduction element and a switch. The

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Office Action relies on the reference to Killian in an attempt to cure these deficiencies. For at least the reasons that follow, it is respectfully submitted that the rejection based on Killian is improper and should be withdrawn.

At page 3 of the Office Action, the Examiner asserts that Killian discloses a switch connected to the reproduction device and refers to column 4, lines 20-28 and column 5, lines 27-29 of Killian for support for this assertion.

The undersigned attorney has reviewed these portions of Killian and respectfully disagrees with the assertion of the Examiner. To wit, the platform 12 and audio/video overlays, respectively receive and integrate the web page information and television signals that are provided to a television 40. These are not switches and are certainly not a switch connected to a plurality of receiving devices. Therefore, and while in no way conceding to the propriety of the combination of Ellis, et al. and Killian as set forth in the Office Action, it is respectfully submitted that the reference to Killian lacks at least the disclosure of a recited feature of each of claims 1 and 8.

Accordingly, it is respectfully submitted that a *prima facie* case of obviousness has not been established by the Office. As such, claims 1 and 8 and the claims that depend therefrom are patentable over the applied art.

Claim 16 is drawn to a method. The method features: *receiving a plurality of programs and providing simultaneously to each of a plurality of receiving devices a respective one of the plurality of programs.*

It is respectfully submitted that the neither the

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reference to *Ellis, et al.* nor the reference to Killian, taken alone or in combination, disclose the referenced features of claim 16.

In an embodiment, the receiver 1 receives a plurality of programs and provides one of the plurality of programs to each of the plurality of program receiving devices 40-44.

The Office Action relies on the disclosure in *Ellis, et al.* at column 1, lines 26-35, lines 47-51; column 10, lines 30-33 in an attempt to meet the disclosure of the referenced features. At the noted portions of *Ellis, et al.*, there is no teaching of the features of claim 16 noted above. To this end, the referenced portions disclose a system for distributing personal television programs from individual contributors to viewers over a communication network; the use by contributors of user television equipment, user equipment, cellular phones and video equipment; and the system delivering the requested program to the viewer over the communications link such as communications paths 40 and 44. However, the relied upon portions of *Ellis, et al.* do not disclose receiving a plurality of programs and providing simultaneously to each of a plurality of receiving devices a respective one of the plurality of programs. For this reason alone, it is respectfully submitted that a prima facie case of obviousness has not been established.

Furthermore, it is respectfully submitted that the reference to *Ellis, et al.* does not disclose receiving a plurality of programs and providing simultaneously to each of the plurality of receiving devices a respective one of the plurality of programs; and providing one of the plurality of programs from the receiving devices to a reproduction element.

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As noted above, the receiver 1 receives a plurality of programs and provides simultaneously to each of the receiving devices 40-44 a respective one of the programs. One of these programs is then provided to a reproduction element.

Contrastingly, the reference to *Ellis, et al.* discloses the distribution of television programs and internet information from user equipment 34, a data storage facility 52 and television distribution facilities via various communication links (i.e., wired and wireless). However, there is no disclosure of the providing of a plurality of programs simultaneously to each of a plurality of receiving devices and the providing of one of the programs to a reproduction element. For example, assuming *arguendo* that the user devices 34 (or devices 36, 38) constituted the plurality of receiving devices. There reference lacks the disclosure of providing a plurality of programs to each of the receiving devices one of the programs and the selective providing of one of these programs to a reproduction device.

The Office Action relies on the reference to *Killian* for the disclosure of the reproduction element. While in no way conceding that the combination of *Ellis, et al.* and *Killian* is proper, the undersigned respectfully submits that this would not cure the deficiencies of *Ellis, et al.* To this end, this would require the connection of all devices 34, 36 and 38 to a reproduction element and the selective channeling of one of the programs sent all devices 34, 36 and 38 to the reproduction element. In the system described in *Ellis, et al.*, this would be impractical if not nonsensical. For example, how and why would all wireless phones, computers and televisions of *Ellis, et al.* be connected to a single reproduction element (e.g., a

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television). The reference to *Ellis, et al.* does not teach or suggest this connection and such a connection would be impractical and nonsensical.


Accordingly, for at least the reasons set forth above, it is respectfully submitted that the rejection of claim 16 based on the combination of *Ellis, et al.* and *Killian* is improper and should be withdrawn. Therefore *Ellis, et al.* cannot serve to establish a prima facie case of anticipation of claim 16. As such, it is respectfully submitted that claim 16 is patentable over the applied art. Moreover, claims 17-20 which depend from claims 16 are also patentable over the applied art at least because of their dependence on claim 16.

Conclusion

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

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